

Interview Summary

Application No.
09/579,894

Applicant(s)
Saskela et al.

Examiner
Bennett Celsa

Art Unit
1639



All participants (applicant, applicant's representative, PTO personnel):

(1) Bennett Celsa

(3) _____

(2) MaryAnne Armstrong (RN 40,069)

(4) _____

Date of Interview Oct 1, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: of record

Identification of prior art discussed:

of record

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:


The Examiner suggested that amending claim 1 to incorporate limitations of claims 2 and 3 and further indicating in the method preamble that RT loop amino acids from HcK-SH3 are substituted for targeting HIV-1 Nef protein would expedite the allowance of the present application. The Examiner's proposal was not deemed favorable by applicant.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

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Advisory Action Cont.

Applicant's proposed claim amendments will not be entered for the reasons recited in the Advisory Action and also for the following reasons:

1. They amended claims raise new issues that would require additional consideration and/or search e.g. "derived from Hck-SH3 and targeted to the HIV-1 Nef protein".
2. The limitation "derived from Hck-SH3 and targeted to the HIV-1 Nef protein", may necessitate the raising of additional rejections. For example, regarding indefiniteness, issues are raised regarding antecedent basis of "the HIV-1 Nef protein"; confusion with regard to the term randomizing vs. derivitizing and the term "targeted" as relating to making and/or identifying steps.
3. They are not deemed to place the application in better form for appeal.
4. Applicant has failed to indicate why such amendment was not earlier presented.
5. Applicant has failed to indicate why the declaration was not earlier presented.

NOTE: the location of this application has changed to ART UNIT 1639.

Art Unit: 1639

For purposes of expediting future prosecution, the following comments are noted:

- a. Applicant's proposed claim 1 amendment would serve to obviate the indefinite rejection of record.
- b. Applicant's proposed claims 17-19 would serve to obviate the new matter rejection; but unfortunately would raise the above-identified issues under 35 USC 112, second paragraph.
- c. Applicant's arguments addressing the obviousness rejections over the Lee reference alone and in view of Sparks was not found persuasive for the reasons already of record. Additionally, it is noted that arguing limitations not present in the claims and construing terminology (e.g. "artificial" and "random(ization)" and "library") in a manner neither supported by the specification nor recognized by the prior art is not persuasive. In this regard, if the claims are broad enough to encompass obvious prior art embodiments (as in the present case) arguing limitations not present in the claims will not overcome the prior art.

General information regarding further correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang (art unit 1639), can be reached at (703)306-3217.

Any inquiry of a general nature, or relating to the status of this application, should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (art unit 1639)
October 3, 2002

BENNETT CELSA
PRIMARY EXAMINER

